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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,616	04/29/2005	Per-Ola Vallebrant	2802-521-001	1731

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EXAMINER

LESLIE, MICHAEL S

ART UNIT	PAPER NUMBER
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3745

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

10/533,616

Applicant(s)

VALLEBRANT, PER-OLA

Examiner

Michael Leslie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/29/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 1 and 5 are objected to because of the following informalities:

Claim 1, Line 5, "in" should be deleted, Line 8, "(45)" should be deleted, (this reference number does not appear in the specification or drawings); Claim 5, Line 4, "of the displacement type" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "highly" in claims 1, 3, and 4 is a relative term that renders the claim indefinite. The term "highly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The smoothness of the low-friction surface has been rendered indefinite.

Claim 1 recites the limitation "said/the revolution" in lines 6 and 9 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said radially outer surface" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites, "said/the revolution" and "said radially outer surface", it is unclear to what elements these limitations refer, or how the "said radially outer surface" is generated.

Claim 2 recites the limitation "the housing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites "a rotation axis" in line 8, it is unclear whether the limitation refers to the same axis recited in claim 4, line 2, or a different axis.

Claim 7 recites the screening member as "an angled pipe having two axes of symmetry", it is unclear, from the specification and drawings, how the angled pipe is symmetric about two axes.

Claim 6 is rejected due, at least, to its dependence from claim 4.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Skirde et al (2002/0152887).

Skirde et al discloses a device having at least one part (10 etc.) which is arranged to rotate in a fluid about a rotation axis (not labeled) in a substantially closed chamber (36) which is asymmetrical about the rotation axis, such that the volume of the chamber varies in the course of a rotation revolution, wherein by a screening member (5), which extends in the form of a screen

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wall wholly or partially around the rotary part and is arranged to divide the fluid chamber into an inner part-chamber (~37), which is faced by a highly smooth screen surface of the screen wall and in which the fluid is allowed to rotate with the rotary part in its rotation motion, and an outer part-chamber (36), wherein the fluid is not jointly transported upon rotation of the rotary part, and the screen wall being situated such that the inner part-chamber is arranged to hold a fluid volume which is substantially invariable over the rotation revolution. The device further includes a hydraulic rotating axial-piston machine, including a drive shaft (1), and a driving pulley (not labeled) that is angled relative to the longitudinal axis of the axial pistons (11) for cooperation with the axial pistons, which axial pistons are movable to and fro in their cylinder bores (12) in a cylinder drum (10), wherein the drive shaft and the rotation axis of the cylinder drum (23) are angled relative to each other.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrick (3625310).

Herrick discloses a device having at least one part (32) which is arranged to rotate in fluid about a rotation axis (~28) in a substantially closed chamber (not labeled) delimited in the radially outward direction by means of a wall (34) extending around the rotation axis, wherein the wall has a radially inward facing wall surface (not labeled) extending wholly or partially around the part, the wall surface is a highly smooth low-friction surface against the fluid and extends close to, but with an interspace (not labeled) to the radially outer surface which is generated around the revolution by the at least one part, and wherein the interspace is suited to minimizing the rotating fluid volume and, at the same time, maintaining necessary width for a

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boundary layer formed in the fluid between the generated surface and the wall surface. Wherein the wall surface is constituted by the inside of a housing (12) of a machinery unit.

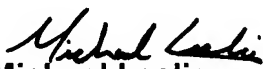
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
April 20, 2007


Michael Leslie
Primary Examiner
AU 3745